

1 JUDGE LUTON: What more do you need?

2 MR. GAMMON: Your Honor, I'd like for you not to,
3 not to accept this.

4 JUDGE LUTON: What more do you need?

5 MR. GAMMON: I want it withdrawn.

6 JUDGE LUTON: My pleasure.

7 MR. GAMMON: I insist on it.

8 JUDGE LUTON: Okay. I really didn't think you
9 needed that.

10 MR. GAMMON: Exhibit 2 is withdrawn.

11 JUDGE LUTON: It just created unnecessary confusion.
12 Two is withdrawn.

13 (Whereupon, Willson Exhibit 2 was
14 withdrawn.)

15 MR. GAMMON: Your Honor, with some trepidation I ask
16 you to identify as Willson Exhibit No. 3 a two-page document
17 purporting to be transcript page 97 and 98, which I represent
18 are from the deposition of this witness in this proceeding.
19 And I ask that that be so identified, sir.

20 JUDGE LUTON: All right. Willson 3 for
21 identification.

22 (Whereupon, the document referred to
23 as Willson Exhibit No. 3 was marked
24 for identification.)

25 BY MR. GAMMON:

1 Q Take a look at line 19 of page 97, ma'am. Did I
2 give you one? I'm sorry.

3 A No --

4 Q Here. Let me give you one. You're entitled to the
5 exhibit itself. I'll be referring to it as an exhibit. Start
6 at line 19 and just follow along with me.

7 Question: "And have you discussed with your husband
8 filing this application for Calistoga?"

9 Answer: "I've discussed it with my attorney."

10 Question: "And you haven't discussed it with your
11 husband?"

12 Answer: "We do live in the same house."

13 Question: "Well, then the answer is -- "

14 Answer: "I mean it's not -- we have not had big
15 discussions about it, no."

16 Question: "But you have had discussions about it?"

17 Answer: "We discuss a lot of things every day."

18 Question: "You have had discussions about the
19 Calistoga application?"

20 Answer: "We had discussions about a Calistoga radio
21 station, not specifically a Calistoga application."

22 Question: "So you haven't discussed your
23 application?"

24 Answer: "My discussions about the application have
25 all been with my attorney and with my engineer."

1 Question: "So there have been none with your
2 husband, then?"

3 Answer: "He is not part of my application."

4 Question: "No, that's not the question. There have
5 been no discussions with your husband about your application?"

6 Answer: "Not about the application itself, not
7 about -- " and then you were interrupted. Did I read that
8 correctly?

9 A Yes.

10 Q And now I see that you have a proposed transcript
11 correction in this material we were handed here this morning.
12 Do you have that correction in front of you or do you know
13 what the correction is?

14 A No. No, I don't. I don't have it in front of me.

15 Q Perhaps counsel could put that in front of you.
16 It's a correction to transcript 97, line 21.

17 MR. SHUBERT: I would note for the record that at
18 the bottom -- on the corrections to the deposition, on page 2
19 of the corrections, at the bottom of the page is a notation,
20 page 97, line 21. And at the top of the very next page I'll
21 let the witness read what it says.

22 WITNESS: Shall I read this?

23 MR. GAMMON: Sure. Go ahead.

24 WITNESS: Yes, generally but mostly at the beginning
25 of the answer. At the end I add, "I discussed this proceeding

1 with my husband and friends in a casual way most people
2 discuss business with people close to them."

3 MR. GAMMON: Now, I'm a little slow on this because,
4 of course, I just got it this morning. How are you changing
5 all that language? How are you proposing to change all that
6 language I read to you where you, if you will, evaded the
7 answer.

8 MR. SHUBERT: Objection, Your Honor.

9 MR. GAMMON: I don't know any gentler way to put it,
10 Your Honor, and be accurate.

11 JUDGE LUTON: I'm sorry --

12 MR. SHUBERT: I don't think there's anything evasive
13 in there for, for starters.

14 JUDGE LUTON: Well, there's -- there seems to be, as
15 I read this thing for the first time, there certainly seems to
16 be and I have no hesitation of saying it, a determined effort
17 to avoid answering the question -- the questions that were
18 asked. Have you discussed with your husband filing this
19 application? I've discussed it with my attorney. Still
20 asking about the husband. And you haven't discussed it with
21 your husband? Still asking about the husband. Well, we do
22 live in the same house. Well, then the answer is, I mean we
23 haven't had big discussions about it. Presumably, you've had
24 little ones then, but you have had discussions about it?
25 Well, we discuss a lot of things every day. If that kind of

1 testimony doesn't indicate evasiveness, I don't know what
2 does.

3 MR. SHUBERT: Well --

4 JUDGE LUTON: I'm sorry. I'm not going to overrule
5 that objection. I'm going to permit the question to stand and
6 an answer be given.

7 BY MR. GAMMON:

8 Q The question, ma'am, I know is difficult to hold in
9 your head. What are you telling us in this -- what language
10 do you want to chan -- are you trying to strike some language
11 in this answer or --

12 A No. I'm trying to clarify that I had discussed the
13 application, the, the form with my husband.

14 Q We have Exhibit 3 in front of us.

15 MR. GAMMON: By the way, Your Honor, I ask that
16 Exhibit 3 be received.

17 JUDGE LUTON: Objections?

18 MR. SHUBERT: Objection, Your Honor?

19 JUDGE LUTON: Yes.

20 MR. SHUBERT: It's taken out of the -- the
21 deposition is being taken out of context. It doesn't prove
22 anything relevant to the issues that we are trying. The, the
23 witness is here to examine as to whether or not she's talked
24 with her husband. Is he trying to impeach the witness with
25 this? If he's not trying to impeach it, there's no purpose

1 for introducing this portion of the deposition transcript into
2 evidence. He can ask the questions and get the answers.

3 JUDGE LUTON: Well, what are you trying to do with
4 it, Mr. Gammon?

5 MR. GAMMON: Well -- Your Honor -- it's impeaching
6 evidence. It shows an awful lot about this case and I, I want
7 it in for the fact -- I've been as fair as I can be. I said
8 -- before I offered it I said, by the way you purported to
9 make a correction to it. Now, I'm saying I want this in to
10 show what this witness said at that time in response to the
11 question. Then I'm going to get to the amendment -- I'm
12 entitled to this, Your Honor. We've been laboring under --
13 trying to prepare for this case with this kind of information
14 in front of us. We come in here today and we get the
15 corrections. Why couldn't we have had these corrections?

16 JUDGE LUTON: The effort is one of impeachment? Is
17 that what you said?

18 MR. GAMMON: Yes, Your Honor. Oh, yes.

19 JUDGE LUTON: All right. You still object?

20 MR. SHUBERT: Yes sir, Your Honor, because there
21 were no questions on which he's impeaching her. If he's doing
22 -- to impeach the witness, he's got to ask the questions first
23 and then try to impeach her answer. And I'm sorry. If we go
24 back through this transcript, and I don't want to have to do
25 it, I don't think he's asked those questions. He put the

1 transcript -- he's trying to put the transcript in without
2 asking the questions for the purposes of impeachment.

3 MR. GAMMON: Your Honor, we've been asking questions
4 about the husband this morning. We've got more. This is just
5 one leg, one leg up the ladder.

6 JUDGE LUTON: Yeah, well, I think there is something
7 to Mr. Shubert's objection that it ought to be done on the
8 basis of questions put to the witness, particular questions as
9 opposed to, as opposed to what? I'm not quite sure where we
10 are anymore, Mr. Gammon.

11 MR. GAMMON: Let me, let me withdraw that --

12 JUDGE LUTON: The effort is to impeach -- it gets
13 confusing because of some corrections made here this, this
14 morning and --

15 MR. GAMMON: Your Honor --

16 JUDGE LUTON: -- we certainly have the right to, to,
17 to compare the, the corrections -- the new to the old I should
18 say and explore the reasons for the change.

19 MR. GAMMON: Let me --

20 JUDGE LUTON: -- and with respect to context, part
21 of the objection, you have the right, Mr. Shubert, to show
22 context anyway that's proper by examination or by submitting
23 additional pages of the transcript if this were to be
24 received. I'm not troubled by that objection. I'm not
25 troubled by the other one either. I'm just confused now.

1 Where are we with respect --

2 MR. GAMMON: Your Honor, in a, in a dramatic show of
3 cowardice, I'd like to withdraw the, the offer of this
4 exhibit.

5 JUDGE LUTON: All right. All right. Three will be
6 withdrawn.

7 (Whereupon, Willson Exhibit 3 was
8 withdrawn.)

9 BY MR. GAMMON:

10 Q Now, tell me about your transcript correction.
11 Using the deposition transcript, pages 97 and 98, what are you
12 really chan -- what are you adding and what are you
13 subtracting to this answer on 97 and 98, ma'am, that I've
14 quoted you in the record? How do you want it to end up
15 reading if your transcript correction is accepted?

16 A I wanted you to understand --

17 Q No, no. What specific language changes? Never mind
18 the whys and wherefores for now.

19 A The specific language changes?

20 Q Yeah.

21 A I discussed this proceeding with my husband and
22 friends the casual way most people discuss business with
23 people close to them.

24 Q Where does that go? On transcript 97 and 98. You
25 reference this here to line 21, but then it looks like you're

1 saying something about at the end add. Where, where's the
2 end?

3 A At the end of this discussion.

4 Q Well, where is that, ma'am?

5 A You've had discussions about the Calistoga
6 applications.

7 Q What line and what page?

8 A That is -- I'm sorry. That is line 8 on page 98.

9 Q All right. Now, how should, how should that line
10 read?

11 A I discussed this proceeding with my husband and
12 friends the casual way most people discuss business with
13 people close to them.

14 Q And strike everything that's there? Strike lines 8
15 and 9 and insert this?

16 A I thought you wanted to strike page 97.

17 Q No, I don't want to do anything. I just want to
18 know what you're doing, ma'am.

19 A It was a general con -- is it conversation?

20 Q No, no. Where do you want this language, I
21 discussed this proceeding with my husband, etc., where do you
22 want that inserted and in place of what?

23 A After the question on line 6. "You have had
24 discussions about the Calistoga application?" That question.
25 Not related to any other questions he asked me.

1 Q Okay.

2 A The answer to that would be, I discussed this
3 proceeding with my husband and friends the casual way most
4 people discuss business with people close to them.

5 Q All right. Now, is the language that is now there
6 in lines 8 and 9, "We had discussions about a Calistoga radio
7 station, not specifically a Calistoga application." Should
8 that be stricken or should that stay in?

9 A I'm sorry, 8 and 9. You -- if you want to leave it
10 you can.

11 JUDGE LUTON: No, it's your testimony. You have to
12 tell us what to do with it.

13 WITNESS: You can --

14 JUDGE LUTON: All the testimony is yours. The
15 deposition testimony as well as the corrected deposition -- or
16 the statement.

17 WITNESS: Put it down as, we had discussions about
18 the app-- about a Calistoga radio station. I did not hold my
19 application in front of him and go over it line-by-line. They
20 were general -- they were the same type of general
21 conversations I had with my husband that I would have with
22 friends about the Calistoga application.

23 MR. GAMMON: Ma'am --

24 JUDGE LUTON: Now, this is explanation. I think
25 what Mr. Gammon is trying to get is the shape of this

1 particular piece of paper, namely pages 97 and 98 of the
2 deposition transcript once the corrections are made. I think
3 the difficulty, Mr. Gammon, is that we don't have a line-by-
4 line change of the deposition testimony. Instead, we've got a
5 sweeping statement that's -- it's hoped will somehow insert
6 itself or be inserted into the sense that one gets from
7 reading the line-by-line deposition testimony and thereby
8 change that testimony.

9 MR. GAMMON: I agree.

10 JUDGE LUTON: It's, it's not a clear way to proceed
11 -- not a very effective way to proceed. It's -- the question
12 -- format is useful for a lot of reasons and this is a prime
13 example of its usefulness. When we stray from it, this is the
14 kind of confusion we get into.

15 MR. SHUBERT: Your Honor, if I --

16 JUDGE LUTON: You change line-by-line testimony with
17 a nice, hopeful statement that's somehow going to modify
18 everything that you hoped would be modified that came out in
19 the question and answer format, it's tough to deal with.

20 MR. SHUBERT: Your Honor --

21 JUDGE LUTON: Tough to deal with. Yes, sir.

22 MR. SHUBERT: If I could add, to try to clarify it.
23 The instructions say line -- page 97, line 21, add at the end.

24 JUDGE LUTON: Page --

25 MR. SHUBERT: 97, line 21.

1 MS. ROSENAU: You don't have --

2 MR. SHUBERT: If you go --

3 JUDGE LUTON: I have discuss -- wait a minute. I've
4 discussed it with my attorney is what line 21 says.

5 MR. SHUBERT: Correct.

6 JUDGE LUTON: And then what follows?

7 MR. SHUBERT: I don't have the document --

8 MR. GAMMON: Well, the witness has already testified
9 something else.

10 JUDGE LUTON: Excuse me. What, what, what follows?
11 What, what, what is this correction that's been given? What
12 is it intended to do? How is it intended to follow on in line
13 21?

14 MR. SHUBERT: Can we provide it for you so you get
15 the -- Your Honor?

16 JUDGE LUTON: No, I want you to tell me. I'd rather
17 be told about what's intended here by the parties, rather than
18 me trying to figure it out for myself.

19 MR. SHUBERT: At the end of --

20 JUDGE LUTON: I want to know what the witness
21 intends.

22 MR. SHUBERT: At the end of line 21 --

23 MR. GAMMON: Could the witness, could the witness
24 answer, Your Honor?

25 JUDGE LUTON: Excuse me.

1 MR. SHUBERT: Well, are we clarifying?

2 JUDGE LUTON: Go ahead. Well, you, you -- I --
3 let's start again.

4 MR. SHUBERT: Do you want the witness to do this or,
5 or explain what the document is trying to do?

6 JUDGE LUTON: I want you to explain to me what this
7 correction that you've made available to Willson today is
8 intended to do. How is it intended to affect the deposition
9 testimony and where?

10 MR. SHUBERT: On the, the page preceding the added
11 language is a reference to page 97, line 21. You turn the
12 page and it says add. Yes, generally, but mostly at the
13 beginning of the answer.

14 JUDGE LUTON: Sorry --

15 MR. SHUBERT: At the end --

16 JUDGE LUTON: This is describing it. I'm not able
17 -- let's you and me just get together. I want to see what
18 you're doing here. Page 97, line 21 -- 97, 21 -- I've
19 discussed it with my attorney. This is what's going to be
20 added.

21 MR. SHUBERT: At the beginning of the line.

22 JUDGE LUTON: Okay. In response to the question,
23 have you discussed with your husband filing this application,
24 I've discussed it with my attorney, which is non-responsive.
25 And then, yes, generally. Presumably we're getting responsive

1 now.

2 MR. SHUBERT: That comes in the begin -- right here.
3 Yes, generally, but mostly I've discussed it with my attorney.
4 Then at the end of that line, at the -- after attorney you
5 add, I discussed this proceeding with --

6 JUDGE LUTON: 97, line 21, and, and add, yes,
7 generally. And you add this, yes, generally, at the beginning
8 of what's stated here.

9 MR. SHUBERT: Yeah. Right.

10 JUDGE LUTON: So that the sentence would then read,
11 yes, generally, but mostly I've discussed it with my attorney.

12 MR. SHUBERT: Right.

13 JUDGE LUTON: And at the end of the same --

14 MR. SHUBERT: Line.

15 JUDGE LUTON: -- line, it's going to be a very long
16 line, I discussed this proceeding with my husband and friends
17 the casual way most people discuss business with people close
18 to them. Now, we've got quite an elaborate answer in response
19 to the question, have you discussed it with your husband.
20 Well, that's what the witness is telling us.

21 MR. GAMMON: Would this be a good time to recess,
22 Your Honor?

23 JUDGE LUTON: I think so. I think so. Let's come
24 back at 1:45.

25 (Whereupon, off the record at 12:35 p.m. to

1 reconvene the same day.)

2 A F T E R N O O N S E S S I O N

3 JUDGE LUTON: Will counsel provide me with a copy of (1:48 p.m.)
4 the corrections that were handed out this morning or the
5 additions -- the addition to the transcript or --

6 MR. SHUBERT: I don't think I have an extra copy
7 here, Your Honor, but yes, we will --

8 JUDGE LUTON: Okay.

9 MR. SHUBERT: -- by all means --

10 JUDGE LUTON: Because that should constitute a
11 portion of Willson's -- well, Willson's 3 was withdrawn.
12 That's right. So there's no need for that to be included with
13 this. Could I see a copy of it.

14 MR. SHUBERT: Surely, Your Honor.

15 JUDGE LUTON: I want to get page 97 --

16 MR. SHUBERT: Thank you. Is that a copy --

17 JUDGE LUTON: 97, line 21. I want to read it into
18 the record the way that it now appears.

19 MR. SHUBERT: Are we on or off the record?

20 COURT REPORTER: On.

21 JUDGE LUTON: I apologize for not having understood
22 this properly at the beginning. I thought what we had here
23 was a statement which sought to modify the deposition
24 testimony in a general sort of way. It doesn't do that.
25 It's, it's specific, because it specifically adds on page 97

1 in line 21, certain language and that language is this.

2 Starting at line 19 the question is, and have you
3 discussed with your husband filing this application for
4 Calistoga. 21, the response now reads, yes, generally, but
5 mostly I've discussed it with my attorney. Then further on
6 that line there is added, I discussed this proceeding with my
7 husband and friends the casual way most people discuss
8 business with people close to them.

9 With that insertion, those insertions, does the
10 remainder of the testimony remain the same?

11 MR. SHUBERT: I'm sorry, Your Honor. I was
12 consulting with co-counsel.

13 JUDGE LUTON: Okay. I attempted to read correctly,
14 I hope I did it correctly, line -- page 97 and I went through
15 lines 19 through 21, including in line 21 the additions that
16 the witness has indicated should be made to that line this
17 morning. And my question is whether -- or presumably that is
18 the extent of the changes --

19 MR. SHUBERT: That's correct, Your Honor.

20 JUDGE LUTON: -- of the testimony. The rest of it
21 remains as it appears on the appear.

22 MR. SHUBERT: This was filed in response to an
23 erratum sheet that was provided to us by the court reporter --

24 JUDGE LUTON: All right.

25 MR. SHUBERT: -- and in fact is laid out in the form

1 substantially as requested by the court reporter for changes
2 and modifications.

3 JUDGE LUTON: Okay. And with that, Mr. Gammon, are
4 you ready to continue your examination?

5 MR. GAMMON: I am, Your Honor.

6 JUDGE LUTON: And I thank you -- for that.

7 BY MR. GAMMON:

8 Q Very well. Just to button this up. Mrs. Constant,
9 when you told us this morning that the insertion, where you
10 indicated "at the end" you wanted to add the language about
11 discussing the proceeding with your husband, etc., should go
12 at line 8 on page 98, that was in error? Is that correct? It
13 really should go on line 21 at page 97.

14 A Good idea.

15 Q I'm sorry?

16 A Yes.

17 Q Okay. And you swore to the truth of this -- well,
18 you executed this transcript correction under penalty of
19 perjury, did you not?

20 A Yes, I did.

21 Q In your original application filed November 14,
22 1991, at question 7B you indicated that you were not ever a
23 party to an application that had been dismissed with prejudice
24 by the Commission. Do you recall that?

25 A Yes.

1 MR. SHUBERT: May I show her the question, counsel?

2 MR. GAMMON: Surely. Surely. She's already
3 responded.

4 BY MR. GAMMON:

5 Q If you'd like to change your answer when you look at
6 it, that's fine.

7 A Yes, I did.

8 Q Yeah. Okay. I know you did. And you later
9 corrected that?

10 A Yes, I did.

11 Q You had omitted there the 1983 application?

12 A That's right. I did.

13 Q That was dismissed with prejudice.

14 A I forgot.

15 Q Okay. That's fine. Let's go to your Exhibit No. 2,
16 please.

17 MR. SHUBERT: Of the orig-- the application as
18 originally filed?

19 MR. GAMMON: No, no. It's the Hearing Exhibit No.
20 2.

21 MR. SHUBERT: Sorry.

22 MR. GAMMON: You have that in front of you, ma'am.

23 WITNESS: Not yet.

24 MR. GAMMON: All right.

25 MR. SHUBERT: Let the record reflect I am placing

1 before the witness a copy with no revisions or corrections or
2 indications of any of the language that has been stricken --
3 Moonbeam's Exhibit -- Hearing Exhibit No. 2.

4 BY MR. GAMMON:

5 Q Thank you. Mrs. Constant, this language at the top,
6 where it says as general manager, Mrs. Constant's duties and
7 responsibilities, etc. You see that?

8 A Yes.

9 Q And then they're listed, oh, seven general
10 responsibilities that you'll have as proposed general manager.
11 Do you see that?

12 A Yes.

13 Q Did you -- is this your -- part of the language you
14 drafted up?

15 A Yes.

16 Q When you -- I mean, when you were drafting up --
17 when you submitted the draft to your counsel for what became
18 Exhibit 2, this was some of your language?

19 A Yes.

20 Q Was this all -- your language period? Or was it his
21 language as well?

22 A It was a combination.

23 Q Okay. What did you submit to him in terms of your
24 responsibilities, what they would be? If it's different from
25 what's set forth here in these --

1 A I mean it's not exactly word-for-word as it was, but
2 it's basically what I set forth.

3 Q This is the substance --

4 A Right.

5 Q -- of what you submitted?

6 A Yes, it is.

7 Q He might have changed a little comma?

8 A Exactly.

9 Q Okay. Look at the first one, where you're going to
10 supervise -- your duties and responsibilities will include
11 supervision and oversight of all departments of the station,
12 including the business department, the sales department, the
13 traffic department, the programming department, the
14 engineering department, and administration department. You
15 see that?

16 A Yes.

17 Q Will you really have all those departments in your
18 station?

19 A You mean will I have someone that is an employee for
20 each one of those departments?

21 Q No. Will you have those departments at your
22 station?

23 A They'll -- yes.

24 Q Will those departments be manned by individuals?

25 A Not individual -- probably won't be manned by

1 individual -- each individual for each department.

2 Q How will they be manned?

3 A Well, for instance, I'm the -- I've -- I held -- I
4 hold the position of the supervision of the administration.
5 So in other words that's, that's counts as one employee. I'll
6 have a programming person and a salesperson.

7 Q Well, there are going to be two employees by your --
8 besides yourself only at the station, right? Just two?

9 A There will be less than four, yes.

10 Q Well, there's going to be a program director --

11 A Um-hum.

12 Q -- a salesperson --

13 A A salesperson.

14 Q -- and you as general manager, right?

15 A Right.

16 Q That's three.

17 A That's three.

18 Q Okay. Well, who's going to man the business? Who's
19 going to be in charge of the business department that you're
20 going to oversee?

21 A That's what I was saying. I will do that too.

22 Q You're going to oversee yourself? Is that what
23 you're trying to say?

24 A I guess so. Yes.

25 Q Well, who's going to oversee the sales department?

1 You are.

2 A I'll, I'll oversee the sales department.

3 Q Who will you be overseeing in sales?

4 A I'll have a salesperson as well as well as I'll be
5 selling myself.

6 Q Okay. And the traffic department. Who will you be
7 overseeing in traffic?

8 A I'll be oversee -- I'll be active in that as well.

9 Q You're going to do the traffic at the station?

10 A I'll have someone that will do the traffic.

11 Q Yes.

12 A But I'll oversee them.

13 Q Okay. That's what I thought.

14 A Yeah.

15 Q But who is this person who is going to do the
16 traffic? Not the program director, surely. Not the
17 salesperson, surely. And now we know it's not you.

18 MR. SHUBERT: Objection, Your Honor. This is
19 argumentative questioning. He's saying not, not, not, not.

20 MR. GAMMON: Well, she's saying yes, yes, yes.

21 MR. SHUBERT: I'm going to go back and object to the
22 question in the form because there's nothing in the testimony
23 so far, there has not been a fact established that oversight
24 pertains only to supervision of people.

25 MR. GAMMON: Well, there's an answer for a witness.

1 Your Honor, that's not a proper objection at all. That's
2 coaching.

3 MR. SHUBERT: The fact is is there's no predicate
4 laid for the line of questioning, Your Honor.

5 MR. SHUBERT: Well, then, that's what you should
6 have said. You shouldn't have given an answer to the witness.

7 JUDGE LUTON: Let's start up again.

8 BY MR. GAMMON:

9 Q All right. Who's going to be working in the traffic
10 department that you're going to supervise and oversee?

11 A I haven't decided yet.

12 Q Well, you're only going to have three employees,
13 right?

14 A I didn't say I'd have three. I said I'd have less
15 than four.

16 Q All right. Let's go to transcript 70 in your
17 deposition. Do you have that in front of you?

18 A No, I don't.

19 MR. SHUBERT: Let the record reflect that we're
20 placing before the witness a copy of the deposition transcript
21 and the revised and it is opened to page 70.

22 BY MR. GAMMON:

23 Q Don't you indicate at line 13 there that there'll be
24 less than four -- well, you say ahead of that, there'll be
25 less than four. And the question, "So it will be you and two

1 other people?" Answer, watch me -- quote me -- watch me on
2 this. "It will be -- yes, it will be myself and a program
3 director and a salesperson. I will be involved in sales
4 myself." Question, "And you're not going to have any on-the-
5 air people?" Answer, "No, it will be an automated station."
6 Did you give that testimony there?
7 A Yes, I did.
8 Q Are you changing that testimony today?
9 A No, I'm not.
10 Q All right. So there's going to be three employees,
11 right?
12 A There will be three full-time employees.
13 Q And there's going to be some other employees that
14 are not full-time?
15 A I have not decided yet.
16 Q Well, then I'm ask -- you, you did a budget for this
17 station, didn't you?
18 A I did a budget for the station.
19 Q How many employees did you presume in the budget --
20 anticipate in the budget?
21 A I anticipated what I have here.
22 Q Three employees?
23 A Yes.
24 Q Well, let's get on with it then. Who is going to be
25 the employee, if any, doing the traffic work that you're going

1 to supervise and oversee?

2 A One of the employees will do the traffic.

3 Q All right. Is it the program director?

4 A I don't know who's going to do the traffic. Maybe I
5 will do the traffic.

6 Q You might do the traffic?

7 A I might do the traffic.

8 Q What do you mean by supervising and overseeing the
9 traffic department then if you're actually going to do it?
10 You've never told us before anywhere -- I'm, I'm asking
11 another question because you look perplexed. You never told
12 us anywhere you're going to do traffic. You just said you
13 were going to be general manager and that's all we can go on
14 is your written case. Now, are you telling us you're going to
15 be general manager and also you're going to do the traffic?

16 A I'm telling you that the station is --

17 JUDGE LUTON: She said she might do the traffic, I
18 believe.

19 BY MR. GAMMON:

20 Q So you don't know if you'll do the traffic?

21 A I don't know if I'm going to do the traffic.

22 Q All right. If you don't do the traffic, who will do
23 it? What --

24 A Someone else will do the traffic.

25 Q Will it be the program director?